

Model “State” Bill
“The Violence Prevention in Health Care Facilities Act”
Lobbynet: March 22, 2007

Requires health care entities to establish programs to protect health care workers

Finds and declares that:

The Bureau of Labor statistics state an estimated 1.7 million workers are injured each year during workplace assaults (2005); violent workplace incidents account for 18% of all violent crime in the US (Bureau of Justice Statistics 2001),

In its annual *Workplace Safety Index*, Liberty Mutual cites assaults and violent acts as the 10th leading cause of nonfatal occupational injury in 2002, representing about 1% of all workplace injuries and a cost of \$400 million. (Liberty Mutual 2004)

The incidence of injury resulting from violent acts is more than twice the incidence for health care workers, compared to other workers. (Bureau of Labor 2005)

The incidence of violence is likely far greater than that which is reported resulting from inadequate reporting mechanisms and victim fear of isolation, embarrassment, and reprisal.

Violence claims a significant toll on all. In addition to the physical, emotional and mental affects on the victim, other negative effects include: financial loss resulting from insurance claims, lost productivity, legal expenses, property damage, and possible staff replacement costs.

Prevention is essential for creating a safe and therapeutic environment for patients and .a safer work place for health care workers.

Health care workers who leave because of assaults and threats of violence contribute to a healthcare workforce shortage.

It is possible to reduce and mitigate the effects of violence.

Definitions:

Covered health care facility – refers to a general or specialty hospital, nursing home, or other health care entity licensed by (insert regulatory agency)

Health care worker – is one who is employed by the covered health care facility.

Violence or violent act – refers to any physical assault or verbal threat of assault or harm against a health care worker.

Provisions

All covered health care facilities shall establish a violence prevention program. If

There is more than one health care facility within a system, there shall be a program established for each health care facility.

Each program shall have a violence prevention committee (or) the program may be administered by an existing health and safety committee, providing appropriate resources can be designated.

The committee shall be comprised of:

One representative from management or designee, who shall be responsible for overseeing all aspects of the program.

At least (50%) of the committee shall have direct care responsibilities, with the majority being licensed nurses.

The remaining committee members shall have experience, expertise or responsibility relevant to violence prevention and may include outside expertise.

In the case of a health care system that owns or operates more than one covered health care facility, the violence prevention program and the committee may be operated at the system or department level, provided that: (a) committee membership includes at least one health care worker from each facility who provides direct care to patients, (b) the committee develops a violence prevention plan for each facility, and (c) data related to violence prevention remain distinctly identifiable for each facility.

The committee shall develop and maintain a detailed, written violence prevention plan that identifies workplace risks, and provides specific methods to address them. The plan shall, at a minimum:

(1) provide an annual comprehensive violence risk-assessment for the covered health care facility that considers, to the extent applicable:

(a) the facility's layout, access restrictions, crime rate in surrounding areas, lighting, and communication and alarm devices;

(b) ¹[adequacy of] impact of¹ staffing ¹[levels]¹, including security personnel;

(c) the presence of individuals who may pose a risk of violence; and

(d) a review of any records relating to violent incidents at the facility, including incidents required to be reported pursuant to subsection f. of this section, the ¹Occupational Safety and Health Administration¹ Log of Work-Related Injuries and Illnesses (**OSHA** Form 300), and workers' compensation records;

(2) identify violence prevention policies; and

(3) specify methods to reduce identified risks, including training, and changes to job design, staffing, security, equipment and facility modifications.

c. The covered health care facility shall ¹[provide] make¹ a copy of the plan ¹available, upon request,¹ to the (insert regulatory agency) or for on site inspection by the (insert regulatory agency),

d. and upon request, to each health care worker ¹, except that, in the event the committee determines that the plan contains information that would pose a threat to security if made public, any such information shall be excluded before providing copies to workers.

e. The covered health care facility shall annually conduct violence prevention training. The training shall include a review of: the facility's relevant policies; techniques to de-escalate and minimize violent behavior; appropriate responses to **workplace violence**, including prohibited actions and consequences, use of restraining techniques, reporting requirements and procedures; location and operation of safety devices; and resources for coping with violence.

f. The covered health care facility shall have ¹[sufficient numbers of]¹ personnel ¹sufficiently¹ trained to identify aggressive and violent predicting factors and ¹the ability¹ to appropriately respond to and manage violent disturbances.

g. The covered health care facility shall keep a record of all violent acts against employees while at work. The records shall be maintained for at least five years following the reported act, during which time employees, and the (insert regulatory agency) shall have access to the record. The record shall include:

(1) the date, time and location of the incident;

(2) the identity and job title of the victim¹, except that the victim's identity shall not be included if it would not be entered on the Occupational Safety and Health Administration Log of Work-Related Injuries and Illnesses (**OSHA** Form 300) because it is a privacy concern case under **OSHA**¹;

(3) whether the act was committed by a patient, visitor, or employee;

(4) the nature of the violent act, including whether a weapon was used;

(5) a description of physical injuries, if any;

(6) the number of employees in the vicinity when the incident occurred and their actions in response to the incident, if any; and

(7) the actions taken by the facility in response to the incident.

(The records established pursuant to this subsection shall not be considered public or government records) ??????

g. The covered health care facility shall establish a post-incident response system that provides, at a minimum, an in-house crisis response team for employee-victims and their co-workers, and individual and group crisis counseling, which may include support groups, family crisis intervention, and professional referrals.

5. A covered health care facility shall not ¹[retaliate] take any retaliatory action¹ against any health care worker for reporting violent incidents
6. The (insert regulatory agency) shall adopt rules and regulations necessary to implement the intention of this act and shall include such guidelines related to reporting and monitoring systems and employee training and protections.
7. A covered health care facility licensed pursuant to (insert appropriate statute) that is in violation of the provisions of this act shall be subject to such penalties as the (insert regulatory agency / position) deems _____